

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No.: 22-cv-20712-RKA

PENINSULA PETROLEUM LIMITED,

Plaintiff,

v.

CI INTERNATIONAL FUELS LLC,

Defendant.

**MOTION TO CONTINUE AUGUST 20, 2024
EVIDENTIARY HEARING DUE TO CONFLICT**

Plaintiff Peninsula Petroleum Limited ("Peninsula") files the above-styled motion and, in support, thereof states as follows:

I. Statement of Material Facts

1. This is a debt recovery action following the sale of marine fuel.
2. On August 13, 2024 the Court set an evidentiary hearing for August 19, 2024 at 11:00 a.m. [ECF No. 120]. On August 16, 2024, the Court rescheduled the evidentiary hearing for August 20, 2024 at 3:00 p.m. [ECF No. 124].
3. Peninsula's national counsel, Joseph Johnson, Esq., is lead counsel in this action. Mr. Johnson prepared the briefing on matters set for hearing and can best address the subject. Mr. Johnson is also the Declarant as to the fees and costs associated with Plaintiff's Motion for Fees [ECF No. 104-14].
4. Unfortunately, the rescheduled hearing date conflicts with Mr. Johnson's prepaid, international family vacation. Mr. Johnson will be out of the country starting on the evening of

August 19, 2024 through September 3, 2024. This vacation was planned 6 months ago, and the non-refundable airfare was purchased 4 months ago.

5. In light of Mr. Johnson's scheduling conflict, Plaintiff respectfully requests the August 20, 2024 evidentiary hearing be continued to a date after September 3, 2024¹.

6. Plaintiff makes this request in good faith and not for the purpose of delay. No other deadlines in this action will be impacted by the brief continuance requested.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(3)

The undersigned counsel certifies that, on August 16, 2024, he conferred in good faith with Defendant's counsel, Lori Dilican, Esq., in an effort to resolve the issues raised in the Motion. Ms. Dilican stated that she opposes the request because she already cleared her schedule and prepared for the hearing.

III. Conclusion

For the foregoing reasons, the Plaintiff respectfully request the August 20, 2024 evidentiary hearing be continued to a date on or after September 4, 2024.

Dated: August 16, 2024

Respectfully submitted,

By: /s/ Evan S. Gutwein
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Attorneys for Plaintiff

¹ Mr. Johnson is scheduled to attend a settlement conference on September 9, 2024 at 2pm but is otherwise available after September 3, 2024.

-and-

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 16, 2024 I electronically filed this document using the Court's CM/ECF system, which will automatically serve a copy on all counsel of record.

By: /s/ Evan S. Gutwein

<p>DILICAN LAW FIRM, P.A. Lori Dilican ldilican@dilicanlaw.com 8050 SW 72nd Ave. Apt. No. 2307 Miami, FL 33143 Tel. No. (561) 951-9612 <i>Attorneys for Defendant</i></p>	<p>HAMILTON, MILLER, & BIRTHISEL LLP Evan S. Gutwein (FBN 58741) egutwein@hamiltonmillerlaw.com 150 S.E. Second Avenue, Suite 1200 Miami, Florida 33131 (305) 379-3686 (telephone) (305) 279-3690 (facsimile)</p> <p>and</p> <p>ZEILER FLOYD ZADKOVICH (US) LLP Luke Zadkovich, Esq. Luke.zadkovich@zeilerfloydzad.com (Admitted <i>Pro Hac Vice</i>) Joseph Johnson, Esq. joe.johnson@zeilerfloydzad.com (Admitted <i>Pro Hac Vice</i>) 215 Park Avenue, 11th Floor New York, NY 10003 (917) 375-9511 <i>Attorneys for Plaintiff</i></p>
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